

# Land Development Code Improvement Committee Main Committee Meeting



Louisville Metro Planning & Design Services

October 15, 2013

# LDC Improvement Committee

## AGENDA

- INTRODUCTIONS / ANNOUNCEMENTS
- DISCUSSION ON REMAINING MISCELLANEOUS RESEARCH SUB-COMMITTEE RECOMMENDATIONS (ITEMS #6 & 21) - 15 MIN
- DISCUSSION ON REMAINING FAIR & AFFORDABLE HOUSING SUB-COMMITTEE RECOMMENDATIONS (ITEMS #3, 3A, 4 & 5) - 30 MIN
- DISCUSSION ON PERMITTED / CONDITIONAL USE SUB-COMMITTEE RECOMMENDATIONS - 75 MIN
- NEXT SCHEDULED COMMITTEE MEETING  
TUESDAY, NOVEMBER 5, 2013  
3:00 - 5:00 PM  
METRO DEVELOPMENT CENTER  
444 SOUTH FIFTH STREET  
FIRST FLOOR CONFERENCE ROOM

# LDC Timeline

- Complete all LDC Main Committee meetings by Dec. 31, 2013.
- Jan/Feb 2014 - Planning Commission public hearing
- Feb/Mar 2014 - Metro Council begin reviewing Round Two proposal.
  
- Remaining LDC Main Committee Meetings
  - October 15 - Miscellaneous Research (Items #6 & 21)  
Fair & Affordable Housing (Items #3, 3A, 4 & 5)  
Permitted/Conditional Uses
  
  - November 5 - Transportation
  
  - November 19 - Subdivisions  
Form Districts
  
  - December 3 - Landscaping
  
  - December 17 - Landscaping

# Miscellaneous Research Sub-committee Report

## Item #6 - Blue Line Stream Definition (Deferred to 10/15/13 meeting.)

- Since the United States Geological Survey does not recognize the term “blue line”, it would be appropriate to align the LDC terminology with the correct USGS terminology, which is Perennial Stream and Intermittent Stream.
- Chapter One definitions of Solid Blue Line Stream, Intermittent Blue Line Stream and Local Regulatory Conveyance Zone needed to be amended as well as portions of Sections 4.3.7, 7.8.20.B.11 & 10.2.9, as shown in the staff report.
- See report for proposed language provided by Mr. FitzGerald and Mr. Dominik.

# Miscellaneous Research Sub-committee Report

## Item #21 - Stream Buffer Across Property Lines & Top of Bank Determination (Deferred to 10/15/13 meeting.)

- The following changes are proposed for Section 4.8.3 Protected Waterways, which is the portion of the LDC that explains how the boundaries of required stream buffers are delineated.
  - 1) The amendment to the definition of perennial stream discussed in Item #6 of this report triggered the elimination of the reference to U.S.G.S maps in Section 4.8.3.A.1.
  - 2) Intermittent streams are now required to have a Type A buffer area (25') as required by this section.
  - 3) In Section 4.8.3.C.1, additional language has been added that allows the Planning Director, with input from Army Corps of Engineers, United States Geological Survey, Kentucky Division of Water, the Metropolitan Sewer District, the Natural Resources Conservation Service or other informed parties, to make a final determination as to where a certain stream “top of bank” is located.
  - 4) In Section 4.8.3.D, a new statement is being added to further explain that the stream buffer requirements of this section apply even when streams and their required parallel buffers cross property lines.



# Fair & Affordable Housing Sub-committee Report

## ▪ Affordable Housing Development Option Comparisons

### ▪ Alternative Development Incentives (ADI)

- Single-Family Only (R-4 & R-5)
- Modest commitment to affordable housing units is rewarded by modest density bonus
  - 1% of overall units must be at Diversity Level 1 (lowest price point)
  - Density bonus allows development to achieve maximum allowed in zone (4.84 du/R-4)
- Promotes a percentage of single-family dwellings in a development to be at affordable price

### ▪ Mixed Residential Development Incentive (MRDI)

- Single & Multi-Family Combined (R-4 & R-5)
- No zoning change necessary to allow multi-family in single-family zone
- Significant commitment to affordable housing units is rewarded by significant density bonus
  - Diversity Units can be at any Level 1, 2 or 3 (5-50% of overall units will be affordable)
  - Density bonus allows development to exceed maximum allowed in zone (5.08-6.05 du/R-4)
- Promotes a mixture of housing styles (single & multi-family) and differing price points (own/rent)

### ▪ Affordable Housing Density Bonus (AHDB)

- Single-Family or Multi-Family (Used in multiple residential zoning districts)
- Significant commitment to affordable housing units is rewarded by significant density bonus
  - 100% of Diversity Units at Level 1 (5-40% of overall units will be affordable)
  - Density bonus allows development to exceed maximum allowed in zone (5.08-6.29 du/R-4)
- Promotes a percentage of either single or multi-family dwellings in a development to be at affordable price. Also, 25% required difference in affordable and market rate units ensures there is a true mixture of incomes and price points within a development.

# Fair & Affordable Housing Sub-committee Report

## Item #3 - Affordable Housing Density Bonus

- Changes since 10/1/13 meeting
  - Compared to the ADI option, the AHDB option requires a more significant commitment to affordable housing on the part of the developer in exchange for a more significant density bonus.
  - All affordable owner occupied units in the AHDB option MUST be Diversity Housing Level 1 units.
  - To improve the mixture of sales price/rental rates within a given area, the sales price/rental rates for market rate units in a development utilizing the AHDB option must be at least 25% higher than the affordable units within the development.
- This idea offers a density bonus for developments that provide a certain percentage of affordable units. This option can be applied to developments in any zoning district that allows residential development, single or multi-family, as a permitted use.
- How this option differs from the MRDI option:
  - 1) This option is solely tied to the commitment to provide affordable units within a development proposal.
  - 2) This density bonus can be used in many zoning districts as opposed to only R-4 & R-5.
  - 3) This option does NOT allow multi-family development to occur in single-family zones as the MRDI option does.

# Fair & Affordable Housing Sub-committee Report

## Item #3 (cont.) - Affordable Housing Density Bonus

- Highlights of Affordable Housing Density Bonus
  - Can be applied in any zone that allows residential development.
  - Can be attached to a zone change or major subdivision application.
  - Developer commits to certain number of affordable units. Can be owner occupied or rentals.
  - Up to 30% density bonus allowed based on number of affordable units in proposal. Density bonus is above and beyond density allowed in underlying zoning district.
  - 10% to 25% open space requirement based on density bonus achieved.
  - Reduced lot sizes are allowed in single-family developments.
  - Annual report submitted to Planning & Design Services.



# Fair & Affordable Housing Sub-committee Report

## Item #3A - Affordable Housing Density Bonus - Associated Ch. 2 & 5 Changes

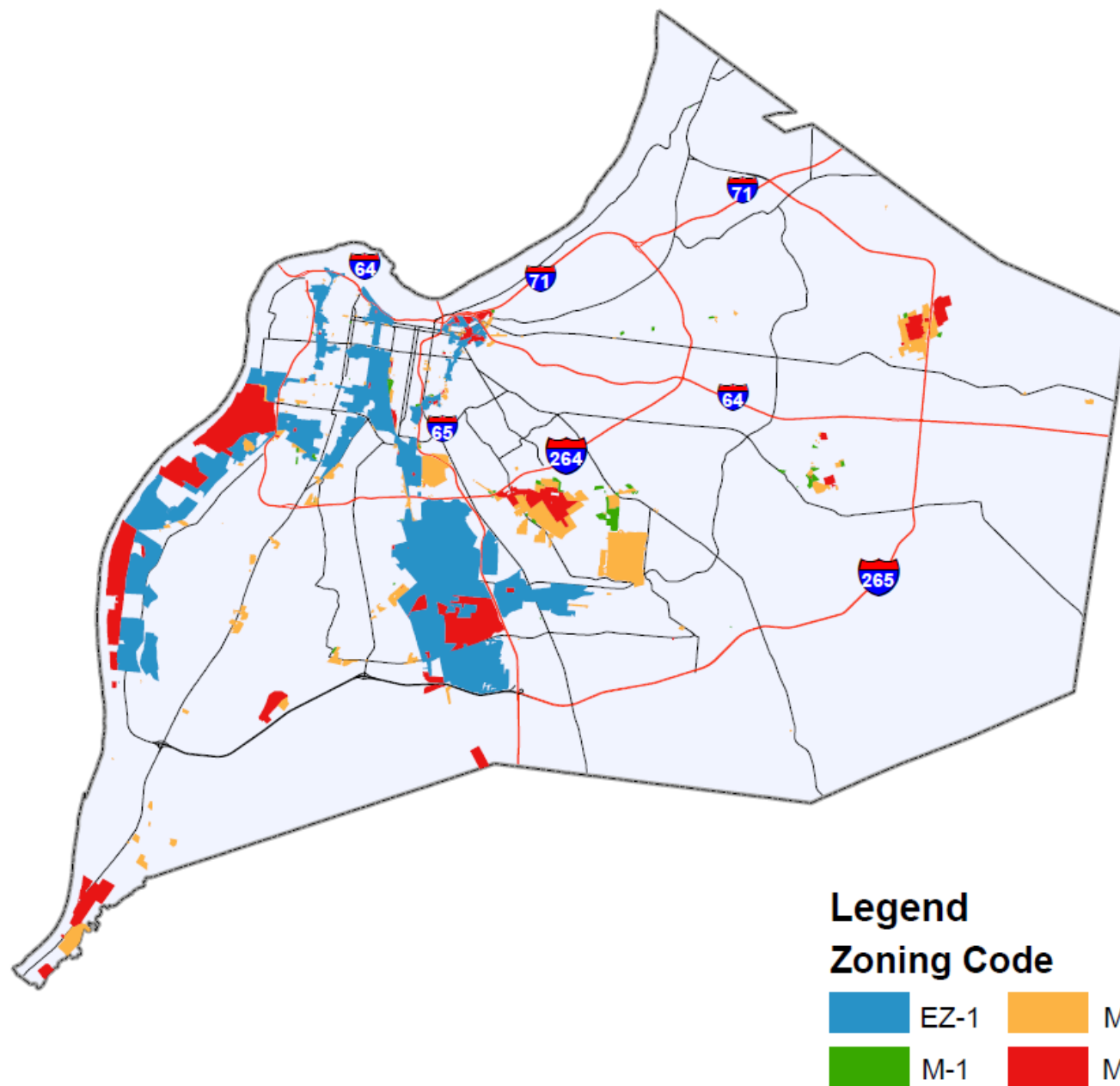
- References throughout Chapter 2 & 5 are needed regarding the alternative densities and lot sizes allowed with the affordable housing density bonus option. See staff report for specific section references.

# Fair & Affordable Housing Sub-committee Report

## Item #4 - Allow Multi-Family Residential in Additional Zones

- 1) Allow multi-family residential as a permitted use in the EZ-1 zoning district in any form district. Multi-family residential is currently allowed only in the Traditional Form Districts in the EZ-1 zone as a permitted use with special standards (Section 4.3.5). Section 4.3.4 also currently allows multi-family residential on EZ-1 zoned properties in the Suburban Workplace form district only if an existing structure is being reused. The sub-committee proposes eliminating Sections 4.3.4 & 4.3.5 from the Land Development Code. Section 2.6.1 should be amended to allow multi-family residential as a permitted use at a maximum density of 217 dwellings per acre, which is the density previously used in Section 4.3.4 (density equivalent to OR-3, OTF, C-2, W-1 & W-2 zones.) (Defer to 11/5/13 meeting)
- 2) Allow multi-family residential as a permitted use in the PRO Professional Research Office zoning district. Proposed residential density in PRO should be the same as another similar zone, PEC Planned Employment Center. PEC's residential density is the same as C-1, 34.84 dwellings per acre.
- 3) Multi-family residential development is only allowed in the OR Office Residential zone after a Conditional Use Permit is granted, but is allowed as a permitted use in all other office/residential zoning districts. The sub-committee proposes the elimination of CUP Section 4.2.37 and to allow multi-family residential as a permitted use in the OR zoning district. The OR zone already allows single-family residential at a density of 12 dwellings per acre. The same density should apply to multi-family residential in the OR zone.

# Jefferson County Enterprise and Industrial Zoning



# Fair & Affordable Housing Sub-committee Report

## Item #5 - Allow Attached Housing in the R-5A Zoning District

- Allow attached housing (zero lot-lines) as a permitted use in the R-5A zone, similar to how this housing style is currently allowed in the PRD zoning district. This would expand the housing options available to the R-5A zone without requiring an additional zoning change.
- Changes involved:
  - 1) Section 2.2.9.A - Add “Dwellings, single-family attached and detached” to permitted use list.
  - 2) Within Section 2.2.9, add a reference to portions of Section 2.7.3 PRD that apply.
  - 3) Within Section 2.2.9, add reference to applicable Section 5.2.2.D & 5.3.1.D Alternative Housing Styles for dimensional requirements.
  - 4) Amend Section 5.2.2.D & 5.3.1.D to refer to R-5A single family attached and detached developments.

# Permitted/Conditional Use Sub-committee Report

ITEM #1 - Golf Course Listings

ITEM #2 - Elimination of Private Golf Course Conditional Use Permit

ITEM #3 - Private Club

These items are still being fine tuned and will be discussed at the 11/5/13 meeting.

# Permitted/Conditional Use Sub-committee Report

## ITEM #4 - Wildlife Management Definition

- Wildlife Management is listed as a permitted use in the R-R Rural Residential zoning district, but the LDC does not have a definition for this term. The following definition is proposed to be added to Section 1.2.2 of the LDC.
- Section 1.2.2      Definitions
  - Wildlife Management - The act of controlling, directing, manipulating or rehabilitating wildlife populations and/or their habitats. The goal of wildlife management facilities is usually to either increase, decrease or stabilize a particular wildlife population(s). Wildlife management facilities are required to obtain all applicable federal, state and local permits and licenses.



# Permitted/Conditional Use Sub-committee Report

## ITEM #5 - Garage Sales Reference Eliminated

- Garage sales is listed in almost every zoning district as a permitted use, but since the LDC already has Section 4.4.4 Accessory Uses and Miscellaneous Standards that is very specific with regard to garage sales, including when and where and how often they may occur the sub-committee feels it is unnecessary to list garage sales as a permitted use in every zoning district. Therefore, it is proposed to remove the phrase “Garage or yard sales” from the permitted use lists in the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1 & PEC.

# Permitted/Conditional Use Sub-committee Report

## ITEM #6 - Agricultural Use Description in the R-R Zoning District

- The use listing in the R-R district for agricultural use includes the full definition of the term as defined by KRS and the LDC in Chapter One. The sub-committee proposes to remove the defining language from the R-R permitted use list. "Agricultural uses" will remain, consistent with other zoning districts as well. See proposed changes below.
- Section 2.2.1      R-R Rural Residential District
  - This district shall include all land and water areas indicated on the Zoning District Map as R-R. The purpose of classifying land and water areas within this district is to regulate uses in rural, agricultural and environmentally sensitive areas.
  - The following provisions shall apply in the R-R Rural Residential District unless otherwise provided:
    - A. Permitted Uses:
      - 1. General
        - ~~Agricultural uses or horticultural crops, including but not limited to livestock, soybeans, tobacco production, timber, orchard fruits, vegetables, flowers or ornamental plants and also including sale of materials grown on the premises, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract.~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #7 - Accessory Structures in R-R Zoning District

- The sub-committee feels that the language regarding accessory structures in the R-R zoning district could be phrased more efficiently. The following changes are shown below.
- Section 2.2.1                      R-R Rural Residential District
  - This district shall include all land and water areas indicated on the Zoning District Map as R-R. The purpose of classifying land and water areas within this district is to regulate uses in rural, agricultural and environmentally sensitive areas.
  - The following provisions shall apply in the R-R Rural Residential District unless otherwise provided:
  - A. Permitted Uses:
  - 2. The following uses are permitted provided that all structures and their accessory structures or uses observe a one hundred and fifty feet (150) front, street side, side and rear yard:

~~Accessory buildings or uses~~

Churches, parish halls, and temples

Colleges, schools, and institutions of learning (except training schools)

Commercial fishing lakes

Convents and monasteries

Garage or yard sales

Golf courses; except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes

Outdoor swimming clubs and outdoor tennis clubs/courts

Parks and playgrounds, and community centers

Private non-profit clubs or camps of a recreation nature (other than outdoor gun clubs)

# Permitted/Conditional Use Sub-committee Report

## ITEM #8 - Religious Building Terminology

- As a part of the Round One LDC text amendments a new definition for "religious building" has been added that includes buildings such as churches, temples, mosques, etc. Terminology throughout LDC should be made consistent with this definition. Therefore the references to "churches, parish halls and temples" in the permitted use listings will be changed to "religious buildings" for the following zoning districts: R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2, M-3, PRO & PEC.

# Permitted/Conditional Use Sub-committee Report

## ITEM #9 - Permitted Uses with Special Standards Listings Within Zoning Districts

- Permitted Uses with Special Standards is a fairly new category for land uses within the LDC. Every zoning district has a list of permitted uses with special standards that apply to it, similar to how every zoning district has a list of conditional uses that apply to it. In order to maintain consistency with how these uses are listed in each zoning district the sub-committee feels these two categories should be listed the same. Paragraph C below is an example. All zoning districts should include the language below in their permitted uses with special standards sections rather than list each of the uses individually.
  
- C. Permitted Uses With Special Standards
  - Certain ~~The following~~ uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.
    1. ~~Temporary Activities~~
    2. ~~Transitional Housing~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #10 - Residential Care Facilities in R-E Zoning District

- Residential Care Facilities are allowed as a permitted use in all residential, office-residential and commercial zoning districts, except the R-E Residential Estate zoning district. The LDC defines Residential Care Facilities as a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. The sub-committee proposes adding Residential Care Facilities as a permitted use in the R-E zoning district.



# Permitted/Conditional Use Sub-committee Report

## ITEM #11 - Off-street Parking in Conservation Subdivisions

- The listing "Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)" is redundant in zones R-2, R-3, R-4 & R-5 because the permitted uses in these zones are based on the permitted uses in the R-1 zone, of which this is one of them. The sub-committee proposes removing "Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)" in the R-2, R-3, R-4 & R-5 zoning districts as shown below. R-2 shown below as example.
- Section 2.2.4      R-2 Residential Single Family District
  - The following provisions shall apply in the R-2 Residential Single Family District unless otherwise provided in these regulations:
    - A.      Permitted Uses:
      - All uses permitted in the R-1 Residential Single Family District.
      - ~~Off-street parking permitted within a conservation subdivision (see Chapter 7, Part 11 for details)~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #12 - Two-Family Dwellings in R-5A and Other Zones must still meet density and FAR

- Two-Family Dwellings (or duplexes) are currently allowed as a permitted use in the following residential zoning districts: R-5A, R-5B, R-6, R-7 and R-8A, as well as the various Office/Residential and Commercial zones. R-5B is our only dedicated Two-Family Residential zoning district and the allowable density in R-5B is “two dwellings per lot.” So a duplex building will always be allowable on any R-5B zoned property as long as the minimum lot size is realized. This is a unique feature of the R-5B zone, which also does not allow multi-family residential (currently defined as three or more units).
- There is potential for confusion within the other residential zoning districts listed above because while they also list Two-Family Residential among their lists of permitted uses, their density allowance is listed differently than R-5B (two dwellings per lot). For example, the density allowed in the R-5A district is 12.01 dwellings per acre. So then since Two-Family Residential is listed as a permitted use in R-5A are all R-5A zoned properties guaranteed the right to contain a duplex similar to R-5B zoned properties? The answer is no. In order to be issued a building permit for a duplex on an R-5A property, the property itself must be large enough to allow the two units on it without exceeding the 12.01 units per acre density regulation (as well as applicable FAR).
- OPTION 1 - As described in staff report, change definition of multi-family to be two or more units. Remove references Two-Family Dwelling in all zones except R-5B.
- OPTION 2 - Add statement in all zones that allow two-family dwellings that clarifies that density and floor area ratio regulations must still be complied with in order for two or more units to be constructed on a property.

# Permitted/Conditional Use Sub-committee Report

## ITEM #13 - R-5B Residential Two-Family District Use Listings

- Permitted uses listed in R-5B zone are redundant since zone is based on R-1 permitted uses. The sub-committee suggests that the R-5B permitted use list should read, "All uses permitted in the R-1 Residential Single Family District, as well as the following uses: Carriage Houses, Semi-detached Dwellings, Two-Family Dwellings." See changes below.
- Section 2.2.10 R-5B Residential Two-Family District
  - The following provisions shall apply in the R-5B Residential Two-Family District unless otherwise provided in these regulations:
  - The Residential Two-Family District is intended to provide the opportunity for land in the medium density residential land development range to be used for single family dwellings, two-family dwellings, semi-detached dwellings and carriage houses.

### A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Carriage Houses

Dwellings, Semi-detached

Dwellings, Two-family

~~Accessory buildings or uses~~

~~Agricultural uses~~

~~Carriage houses~~

~~Churches, parish halls and temples~~

~~Colleges, schools, and institutions of learning (except training schools)~~

~~Country clubs~~

~~Dwellings, Semi-detached~~

~~Dwellings, Single-family~~

~~Dwellings, Two-family~~

~~Garage or yard sales~~

~~Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for a commercial purpose~~

~~Home occupations~~

~~Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #14 - Boarding & Lodging Houses in R-8A Zoning District

- Listing for "Boarding Houses" in R-8A zone should read "Boarding and Lodging Houses" for consistency throughout LDC. See change below.
- Section 2.2.13 R-8A Residential Multi-Family District

The following provisions shall apply in the R-8A Residential Multi Family District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the R-1 Residential Single Family District, as well as the following use(s):

Assisted living residence

Bed and Breakfasts

Boarding and lodging houses

Day care centers, day nurseries, nursery schools and kindergartens

Dwellings, Multiple family

Dwellings, Two-family

Family care home (minihome)

# Permitted/Conditional Use Sub-committee Report

## ITEM #15 - Removal of Redundant Listings in OR-2, OR-3 & OTF Zoning Districts

- It is redundant to list "Community Service Facility" as a permitted use in the OR-2, OR-3 & OTF zoning districts since it is already listed in the OR zone. The sub-committee suggests removing "Community Service Facility" as a permitted use from the OR-2, OR-3 & OTF zoning districts. Similar change proposed in OTF zone for libraries and museums listing. See exact changes in report.

# Permitted/Conditional Use Sub-committee Report

## ITEM #16 - Removal of Introductory Paragraph in OR-3 Zoning District

- Introductory paragraph to OR-3 zoning district is inconsistent with other OR zones and is unnecessary. The sub-committee suggests removing the paragraph shown below.

### Section 2.3.4 OR-3 Office/Residential District

The following provisions shall apply in the OR-3 Office/Residential District unless otherwise provided in these regulations:

~~An apartment and office building district allowing businesses normally incidental to the primary uses located within the same building, and not allowing such incidental business uses to be accessible and evident from the outside of the building.~~



# Permitted/Conditional Use Sub-committee Report

## ITEM #17 - Title of Mixed-Use Section

- Title of this section in the OTF and OR-3 zones should be more accurately labeled as "Mixed Use Incentive". The sub-committee suggests replacing "Use Mix" with "Mixed Use Incentive". Also, add a cross reference to Section 5.5.3 (Mixed Use Development).

- Section 2.3.5 OTF Office/Tourist Facility District**

- E. Maximum Density and FAR

- 1. Maximum Floor Area Ratio.....4.0

- 2. Maximum Density:

- a. For 0 bedroom dwelling units only.....435 dwellings per acre

- b. For 1 bedroom dwelling units only.....217 dwellings per acre

- c. For 2 or more bedroom dwelling units only...145 dwellings per acre

- 3. ~~Use Mix~~ **Mixed Use Incentive**: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site. **See Section 5.5.3 Mixed Use Development.**

# Permitted/Conditional Use Sub-committee Report

## ITEM #18 - Micro-breweries & Micro-distilleries

- Micro-breweries and micro-distilleries have become a popular land use in recent years and our Land Development Code is not equipped to address them. Currently all breweries and distilleries, no matter their size, are required to obtain either the EZ-1, M-2, M-3 or PEC zoning classification, which are some of our most restrictive categories. Research on this emerging activity was conducted and the sub-committee suggests allowing micro-breweries and micro-distilleries of a limited size as permitted uses in the C-2 zoning district.
- The listing below shall be added to the C-2 list of permitted uses.
  - Micro-breweries and micro-distilleries (where production activities occur indoors in a space 5,000 square feet or less)

# Permitted/Conditional Use Sub-committee Report

## ITEM #19 - Allow Tattoo Shops in C-1 Zoning District

- Tattoo shops are only allowed in C-2 as a permitted use. Recently during the review of a proposed tattoo shop the Land Development & Transportation committee suggested maybe there should be more flexibility in where tattoo shops are allowed. After reviewing this comment the sub-committee recommends allowing tattoo shops as permitted uses in the C-1 zone as well as the C-2 zone.
- The listing below shall be added to the C-2 list of permitted uses.
  - Tattoo, body art, and piercing parlors

# Permitted/Conditional Use Sub-committee Report

## ITEM #20 - Allow Non-residential C-2 Permitted Uses in M-1 Zoning District

- For the most part our Land Development Code uses a hierarchical zoning district system, except for the industrial zoning districts. Office zones allow residential land uses. Commercial zones allow office and residential land uses. Logic would then suggest that the industrial zones would allow commercial, office and residential land uses, but that is not the case. The industrial zones are basically on an island by themselves. The sub-committee discussed this system. Research shows it was a popular trend across the country several decades ago to break apart the industrial zones from the other zones. That trend is reversing and it is more common today to find more flexible zoning codes that allow commercial land uses to occur in industrial zoning districts.
- The sub-committee proposes amending the LDC to allow the C-2 Commercial District's non-residential permitted uses within the M-1 Industrial District.
- The listing below shall be added to the M-1 list of permitted uses.
  - All non-residential uses permitted in the C-2 District

# Permitted/Conditional Use Sub-committee Report

## ITEM #21 - Removal of Unnecessary Auxiliary Commercial Uses Section in the M-1 Zoning District

- If Item #20 is approved, then this auxiliary commercial uses section can be eliminated from M-1.
- The listing below shall be removed from the M-1 list of permitted uses.

~~Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:~~

~~Branch offices of banks, savings and loans and similar financial institutions~~

~~Convenience grocery stores~~

~~Credit unions~~

~~Restaurants as permitted in the C-1 District~~

~~Vehicle service stations or repair~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #22 - Furniture Storage

- Furniture Storage is currently listed in the LDC as a permitted use in the following zones: C-2, C-3, CM, EZ-1, M-1, M-2, M-3, PRO & PEC. Staff and the sub-committee believe that this use is not needed in the LDC. If furniture storage occurs in conjunction with a furniture store, then it would be an accessory use and allowed in the same zones as furniture stores (C-1, C-2, C-3, CM, EZ-1 & PEC). A free-standing furniture storage operation (without associated retail sales) is similar enough to warehousing to be considered warehousing itself and should therefore be allowed in the zoning districts in which warehousing is a permitted use (CM, EZ-1, M-1, M-2, M-3, PRO & PEC).
- The sub-committee recommends removing the term “Furniture Storage” from the Land Development Code.



# Permitted/Conditional Use Sub-committee Report

## ITEM #23 - M-2 Two Ton Truck Weight Clarification

- Sales, repair and storage of trucks greater than two tons is limited to the M-2 zoning district. Additional clarification is suggested by the sub-committee regarding whether the two ton weight limit only applies to the truck itself, or to the truck plus its load. Staff and the sub-committee believe this weight indication is meant to refer to the truck weight only.
- The M-2 listing below shall be amended as shown.
  - Truck (greater than two tons; truck weight without load) and other heavy motor driven vehicles: sales, rental, repair and storage

# Permitted/Conditional Use Sub-committee Report

## ITEM #24 - Government Owned Buildings/Uses in PRO & PEC Zones

- “Governmentally owned or operated buildings or uses” is unnecessarily listed as a permitted use in the PRO Planned Research/Office District and the PEC Planned Employment Center District. Government buildings and uses are exempt from local zoning regulations and are treated as permitted uses in any zoning district; therefore this use should be eliminated from the permitted use lists in the PRO and PEC zoning districts.

# Permitted/Conditional Use Sub-committee Report

- ITEM #25 - Hybrid Zones; Permitted/Conditional Uses

- Certain hybrid zoning districts allow *permitted* uses from multiple other zoning districts, but do not allow the *conditional* uses from those same zoning districts. For example, the EZ-1 zone allows permitted uses from both the C-2 and M-3 zones, but does not allow the conditional uses allowed in the C-2 and M-3 zones. Other hybrid zone examples: C-3 allows OR-3 & C-2 permitted uses; C-M allows C-2 & M-1 permitted uses and PEC allows M-2 & C-1 permitted uses. This regulation can potentially cause unneeded zoning change requests in order for an applicant to be eligible to request a particular CUP. The sub-committee proposes to eliminate paragraph K below.

- **Section 4.2.2 General Provisions (Conditional Use Permits)**

~~K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #26 - Bed & Breakfast Conditional Use Permit

- Bed & Breakfasts are currently allowed in the following zones:
  - Permitted Uses: R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, CM, EZ-1 & PEC
  - Conditional Uses: R-R, R-1, R-2, R-3, R-4, R-5, UN, TNZD, R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2 & W-3
- The sub-committee recommends the following changes (See report for details):
  - Move R-5A, R-6, M-1 (and M-2 & M-3), PRO, PTD, PRD, W-1, W-2 & W-3 from the conditional use category to the permitted use category.
  - Revision of paragraph D below regarding outdoor events.
    - ~~Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board. No outdoor event that is attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn shall take place within 200 feet of a dwelling unit unless approval is obtained in writing from the owner(s) of the dwelling unit. No outdoor event shall exceed two days in duration. No more than twelve (12) outdoor events shall be permitted on the same property within a calendar year.~~

# Permitted/Conditional Use Sub-committee Report

## ITEM #27 - Medical Professionals Conditional Use Permit

- The following changes are proposed to the medical professional's conditional use permit section.
- **Section 4.2.20 Doctor, Dentist, ~~or~~ Chiropractor Office or Other Approved Medical Professionals**

One office for one medical doctor, dentist, ~~or~~ chiropractor or other approved medical professionals may be allowed on a lot in the R-4, R-5, R-5A, R-5B, R-6, and R-7 districts where the premises abuts ~~a major or minor~~ an arterial or collector level street as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements

- A. Floor Area - The maximum floor area for the office use is ~~800~~ 1,000 square feet.
- B. Parking Areas - parking spaces shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of five feet, or a wall constructed of brick, stone or wood with a minimum height of five feet.
- C. Signs - There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall be limited in size to four square feet and placed on the building.
- D. Exterior Design - The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- E. Number of Employees - No more than four total employees shall be permitted.

# Permitted/Conditional Use Sub-committee Report

## ITEM #28 - Funeral Home Conditional Use Permit

- The signage allowed for a funeral home with a CUP in the OR-1, OR-2, OR-3, OTF and C-R zones is too small. Code allows one sign (free-standing or attached) 15 SF in area and 10 feet tall. Increase sign allowance to 48 SF, but only allow maximum 6' tall. Also, a change is proposed to allow this conditional use on collector level streets in addition to arterials.

### Section 4.2.26 Funeral Homes

Funeral Homes may be allowed in the OR-1, OR-2, OR-3, OTF, and C-R Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Funeral homes shall abut on a ~~major or minor~~ arterial or collector level street as designated in the Comprehensive Plan for all of Jefferson County, Kentucky.
- B. Signs - One non-flashing identification sign, not to exceed ~~45~~ 48 square feet in area and not to exceed ~~40~~ six feet in height, may be allowed, provided such sign is not in or over a required yard.
- C. The main building shall be located at least 30 feet from any property line.

# Permitted/Conditional Use Sub-committee Report

## ITEM #29 - Allow Mini-warehouses as Conditional Use Permit in C-1

- The sub-committee feels that mini-warehouses should be allowed in the C-1 Commercial zoning district as well as the C-2 zone with the granting of a Conditional Use Permit.

### Section 4.2.35 Mini-warehouses

Mini-warehouses may be allowed in the C-1 or C-2 Districts where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.
- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.
- C. No outside storage shall be allowed on the property.
- D. No storage of toxic or hazardous materials shall be allowed on the property.
- E. There shall be no retail or wholesale sales or distributing activities on site.
- F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.
- G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).
- H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.



# Permitted/Conditional Use Sub-committee Report

## ITEM #30 - Scrap Metal Processing/Junkyards Conditional Use Permit

- The changes below involve referencing the correct chapters of Louisville Metro Code of Ordinances for these particular land uses.

### Section 4.2.48                      Scrap Metal Processing Facilities and Junkyards

Scrap Metal Processing Facilities and Junkyards as defined in the ~~Jefferson County~~ Louisville Metro Code of Ordinances may be allowed in the M-3 District upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. Scrap Metal Operations shall be prohibited in all primary groundwater recharge areas.
- B. Operations shall be required to provide a detailed plan approved by the Metropolitan Sewer District illustrating measures taken to ensure the protection of surface and groundwater sources. Contamination of any domestic water supply, or surface run-off from the site onto any adjoining land, surface water body or wetland shall be mitigated by use of holding tanks, settling ponds or other necessary devices.
- C. All evidence of the Scrap Metal Operations shall be removed by the property owner promptly after its discontinuance as a business enterprise.
- D. The screening, buffering, security and operating standards shall comply with the requirements set forth in ~~Jefferson County~~ Louisville Metro Code of Ordinances, Chapter 114 for Scrap Metal Processing Facilities and Chapter 51 for Junkyards.

# Permitted/Conditional Use Sub-committee Report

## ITEM #31 - Proposed Event and Conference Venue Conditional Use Permit

Currently, the Land Development Code requires special events and conference venues either to be located in a commercial zoning district, or in some cases special temporary permits have been issued for similar activities. The sub-committee believes it is appropriate to create a conditional use permit opportunity for events and conference venues. The following conditional use permit proposal could be requested in any zoning district with conditions related to parking, noise, hours of operation, etc. attached to the conditional use permit by the Board of Zoning Adjustments.

### Definitions

- Event and conference venue - A property, consisting of one or more lots (the “venue”), on which people gather for a common educational, cultural, religious or celebratory purpose (including but not limited to weddings and wedding receptions), or where lectures, discussions, workshops, meditation or contemplation occurs.
- Event - Any single gathering of people for a common purpose.

### Proposed Text

An event and conference venue shall be permitted in any district upon the granting of a Conditional Use Permit, provided it complies with the following listed requirements:

- A. The required number of off-street parking spaces and the location, design and surface of off-street parking spaces shall be determined by the Planning Director or his or her designee based upon information provided by the applicant and based upon the recommendation of the Department of Public Works and Assets.
- B. Amplified sound shall conform to applicable noise ordinances and laws. The volume of amplified sound shall not be set at an unreasonably loud, harsh or excessive volume which disturbs the peace, quiet and comfort of neighboring property owners. The Board may impose reasonable operating hour limitations or require other measures to prevent sound nuisances from occurring in residential neighborhoods.
- C. Vehicle ingress and egress to the site shall be approved by the Director of Works and Assets or his or her designee. Gravel or other measures may be required to accommodate vehicles and prevent tracking of mud onto the public right-of-way.

# Permitted/Conditional Use Sub-committee Report

## ITEM #32 - Auction Sales

The Land Development Code currently allows auction sales (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM & EZ-1 zoning districts however there is no definition to explain exactly what auction sales means. The sub-committee reviewed this land use and proposes the following changes:

1. New definition - Auction Sales, Indoor - An operation in which the public sale of goods, wares, merchandise, or equipment to the highest bidder occurs entirely within a building or a portion of a building. This definition excludes the sale of animals and tobacco.
2. New definition - Auction Sales, Outdoor - An outdoor area or areas on a particular piece of property used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes the sale of animals and tobacco.
3. Allow Indoor Auction Sales as a permitted use in the C-2, C-3, CM, EZ-1, M-1, M-2 & M-3 zones.
4. Allow Outdoor Auction Sales as a permitted use in the M-2 & M-3 zones and as a conditional use in the C-2, C-3, CM & M-1 zones.
5. New section for Outdoor Auction Sales conditional use permit shown below:
  - a. Outdoor Auction Sales may be allowed in the C-2, C-3, C-M and M-1 zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
    - i. All buildings and structures shall be at least 30 feet from any property line.
    - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
    - iii. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
    - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.

# Permitted/Conditional Use Sub-committee Report

## ITEM #33 - Flea Markets

The Land Development Code currently allows flea markets (no distinction between indoor and outdoor) as a permitted use in the C-2, C-3, CM, EZ-1, M-2, M-3 & PEC zoning districts however there is no definition to explain exactly what a flea market technically is. The sub-committee reviewed this land use and proposes the following changes:

1. New definition - Flea Market, Indoor - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale entirely within an enclosed building.
2. New definition - Flea Market, Outdoor - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outdoors and not within an enclosed building.
3. Allow Indoor Flea Markets as a permitted use in the C-1, C-2, C-3, CM, EZ-1, M-1, M-2, M-3 & PEC zones.
4. Allow Outdoor Flea Markets as a permitted use in the EZ-1, M-1, M-2, M-3 & PEC zones.
5. Allow Outdoor Flea Markets as a conditional use in the C-1, C-2, C-3 & CM zones.
6. New section for Outdoor Flea Market conditional use permit shown below:
  - a. Outdoor Flea Markets may be allowed in the C-1, C-2, C-3 & C-M zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.
    - i. All buildings and structures shall be at least 30 feet from any property line.
    - ii. Parking requirements to be determined by the Planning Director upon consultation with the Director of Public Works.
    - iii. The entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
    - iv. The Board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific auction sales operation.

# Permitted/Conditional Use Sub-committee Report

## ITEM #34 - Accessory Apartments Conditional Use Permit

- The changes shown in paragraph A below will allow for additional flexibility in the ownership requirements for accessory apartments.
- Section 4.2.3                      Accessory Apartments

Accessory Apartments may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 and U-N districts upon the granting of a conditional use permit and compliance with the listed requirements.

- A. The principal and accessory dwellings shall be owned by the same person(s). Occupancy of the accessory unit shall occur only while the property owner(s) resides in the principal dwelling on the premises. However, this listed requirement (A) shall not apply if at the time of the conditional use permit application and for the life of the conditional use permit (i) the primary dwelling and not more than one (1) accessory dwelling are located within the same building, and (ii) the principal dwelling and the accessory dwelling have separate entrances.
- B. B. The accessory apartment shall be no greater than 650 sq ft or 30% of the floor area of the principal residence, whichever is greater.
- C. If the accessory apartment is located in a freestanding structure, it shall not exceed the height of the principal residence. In the TNFD, permissible height shall be as allowed by the form district regulation, unless the Board approves a differing height. In all other form districts, if the freestanding structure is located within 25 feet of a property line, the height of the structure shall not exceed the average height of accessory structures on abutting parcels or 15 feet, whichever is greater, unless the Board finds that a different height limit is appropriate.
- D. Sites having accessory apartments shall provide off-street parking for the principal and accessory apartment as follows:
  - 1. Neighborhood Form District - at least three off-street spaces provided on the lot, no more than two spaces outdoors;
  - 2. Traditional Neighborhood - at least one off-street space provided on the lot; and
  - 3. Other form districts - at least two off-street spaces provided on the lot; the Board may require additional parking spaces as appropriate.



# Website Information

- [www.louisvilleky.gov](http://www.louisvilleky.gov)
- Navigate to Planning & Design Services Department page
- Select Land Development Code Icon
- Select Land Development Code Improvement Committee Link

## Land Development Code Improvement Committee

One of the recommendations from the Planning & Design Services audit is to update and simplify the Land Development Code. The Land Development Code (LDC) Improvement Committee consists of Louisville Metro Government staff, representatives from the development industry, representatives from neighborhood groups, as well as other organizations and citizen groups. The LDC Committee will meet regularly to discuss suggested changes to the LDC. These suggestions have been received from various interested parties and citizens throughout the community.

The LDC Committee has completed the first phase of the project that focused on minor technical changes that will improve the functionality of the LDC.

The Planning Commission recommended approval of Round One of text amendments to the Land Development Code on March 29, 2012. This recommendation is to legislative bodies with zoning authority in Louisville Metro.

### [Minutes from Text Amendment Review at Planning Commission March 29](#)

#### Planning Committee discussion of Round One of LDC Text Amendments

##### [Minutes from the February 9, 2012 Planning Committee Meeting](#)

(The section of the minutes from the February 9 Planning Committee meeting that cover Round One discussion are highlighted in yellow and begin on page 4.)

#### Updated Committee Comment List [June 1, 2012](#)

#### Proposed Text Amendments [Proposed LDC Text Amendment List DRAFT](#)

<u><a href="#">Meeting Date</a></u>	<u><a href="#">Agenda</a></u>	<u><a href="#">Meeting Summary</a></u>
<u><a href="#">Round Two Meetings:</a></u>		
May 22, 2012	<u><a href="#">agenda</a></u>	<u><a href="#">Round Two Kick-Off Meeting Presentation</a></u> <u><a href="#">summary</a></u>
<u><a href="#">Round One Meetings:</a></u>		
January 17, 2012	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
December 20, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
December 6, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
November 22, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
November 8, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
October 25, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
October 11, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>
September 27, 2011	<u><a href="#">agenda</a></u>	<u><a href="#">summary</a></u>

## Subcommittees

Subcommittees of the Land Development Code Improvement Committee have been formed to study particular sections and issues in the code. These subcommittees and meeting dates are listed below. Additional information about the work of each subcommittee will be posted as it becomes available.

All meetings will occur in the Metro Development Center, 444 S. Fifth Street.

**Permitted/Conditional Use Listings Review** - June 14 - 3:00 - 4:30 pm - 6th floor conference room

The following meetings will be conducted in the **first floor conference room**:

**Form Districts** - June 26 - 3:00 to 4:30 pm

**Infill Development Standards** - June 26, July 10, and July 24 - 9:00 to 10:30 am

**Landscaping/Tree Canopy Requirements** - June 25, July 9, and July 23 - 3:00 to 4:30 pm

**Development Review Process** - Monday, June 11<sup>th</sup> - 2:00 to 3:30 pm

**Fair & Affordable Housing** - Tuesday, June 12<sup>th</sup> - 9:00 to 10:30 am

**Major/Minor Subdivisions** - Tuesday, June 12<sup>th</sup> - 2:00 to 3:30 pm

**Transportation/Mobility/Parking** - Wednesday, June 13<sup>th</sup> - 10:00 to 11:30 am

**Miscellaneous Research** - Wednesday, June 13<sup>th</sup> - 2:00 to 3:30 pm